

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

ROBERT ARNOLD SHARPE, JR.,

Plaintiff

VS.

MICHELLE LEE McNEELY,

Defendant

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NO. 7:10-CV-94 (HL)

**ORDER**

Before the Court is plaintiff **ROBERT ARNOLD SHARPE JR.’S** letter dated September 29, 2010 (Tab # 8). Plaintiff complains about this Court’s orders dated September 10, 2010, which dismissed plaintiff’s 42 U.S.C. § 1983 lawsuit, and September 27, 2010, which denied plaintiff’s motion for reconsideration. The Court concluded that plaintiff’s only named defendant, Michelle Lee McNeely, is a private party not subject to suit under section 1983.

In his letter, plaintiff continues to allege or imply a connection between McNeely and the State of Georgia, so that he can sue her for damages in federal court. Specifically, plaintiff states that McNeely “acted through authority given by the state, generally through employment or some other agency relationship linked to the Department of Family and Children Services which is a governmental entity covered by liability insurance for errors.” Plaintiff is attempting to sue McNeely, who is the mother of two of plaintiff’s children (see Tab # 1, 7:10-cv-93), for her testimony in a Department of Family and Children Services’ hearing. As stated twice previously, McNeely’s testimony does not constitute state action and plaintiff’s conclusory allegations are insufficient to support a claim that she acted under color of state law.

To the extent plaintiff’s letter should be construed as a second motion to reconsider, it is **DENIED**. The Court will not revisit this issue again.

**SO ORDERED**, this 5<sup>th</sup> day of OCTOBER, 2010.

*s/ Hugh Lawson*  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE

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